

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:15-CT-3094-FL

ROBERT MILLER LATTIMORE,

Plaintiff,

v.

FRANK PERRY, DENNIS DANIELS,
and MS. P. WILLIAMS,

Defendants.

ORDER

Plaintiff, a state inmate, filed this action *pro se* pursuant to 42 U.S.C. § 1983. Plaintiff has moved to voluntarily dismiss this action (DE 8). An action may be dismissed voluntarily by plaintiff without order of the court by filing a notice of dismissal at any time before service by the adverse party of an answer or a motion for summary judgment. See Fed. R. Civ. P. 41(a)(1). Otherwise an action shall not be dismissed on the plaintiff's request except upon an order of the court. See Fed. R. Civ. P. 41(a)(2). At this point, defendants have not filed any responsive pleadings. Accordingly, plaintiff's motion for voluntary dismissal pursuant to Rule 41(a)(1) (DE 8) is GRANTED, and the matter is DISMISSED without prejudice. The clerk of court is DIRECTED to close this case.

SO ORDERED, this the 31st day of August, 2015.



LOUISE W. FLANAGAN
United States District Judge